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**FILED & ENTERED**

**JUL 11 2016**

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
BY bakchell DEPUTY CLERK

**NOT FOR PUBLICATION**

**UNITED STATES BANKRUPTCY COURT**

**CHANGES MADE BY COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**LOS ANGELES DIVISION**

In re:

SAMUEL RUBIN,

Debtor.

CASE NO. 2:16-bk-12936-RK

Chapter 7

**ORDER DENYING WITHOUT  
PREJUDICE CREDITOR'S MOTION  
FOR EXAMINATION OF DEBTOR  
SAMUEL RUBIN PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 2004 AND REQUEST FOR  
DOCUMENT PRODUCTION**

Pending before the court is creditor MyBusinessLoan.com, LLC d/b/a Dealstruck, Inc.'s ("Creditor") motion for examination of debtor Samuel Rubin ("Debtor") and production of certain documents identified in Exhibit "1" of the Motion pursuant to Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 2004 and Local Bankruptcy Rule 2004-1 ("Motion"). Having considered the moving papers, the court rules and denies the Motion for the following reasons:

1. While the moving papers were served on Debtor's counsel, service of these papers is deficient because they were not served on Debtor as indicated by the proof of service, filed on July 7, 2016, as required by Local Bankruptcy Rule 2004-1(c) (requiring that the motion be served on *the debtor*, debtor's attorney, the trustee, the United States trustee, and *the entity to be examined*).

2. Additionally, Local Bankruptcy Rule 2004-1(c) requires “[n]ot less than 21 days notice of the examination . . . , calculated from the date of service of the motion, unless otherwise ordered by the court.” The proof of service indicates that the moving papers were served on July 7, 2016, which means that Debtor’s examination could not be held and the requested documents could not be produced until at least July 28, 2016 under this local rule. However, the Motion requests the examination of Debtor on July 25, 2016 at 11:30 a.m. and the production of documents on July 18, 2016 at 10:00 a.m. in violation of the minimum notice requirements of Local Bankruptcy Rule 2004-1(c).

Accordingly, for the foregoing reasons, IT IS THEREFORE ORDERED that Creditor’s Motion for the examination of Debtor and production of documents pursuant to Bankruptcy Rule 2004 and Local Bankruptcy Rule 2004-1 is hereby DENIED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

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Date: July 11, 2016



Robert Kwan  
United States Bankruptcy Judge